

Interview Summary	Application No. 10/544,245	Applicant(s) DOUGLAS, VINCENT	
	Examiner Robert May	Art Unit 2885	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Robert May. (3) Vincent Douglas.
 (2) Andrew Dorisio. (4) Renee Luebke.

Date of Interview: 3/2/07 and 3/6/07.

Type: a) ☒ Telephonic b) ☐ Video Conference
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
 If Yes, brief description: _____.

Claim(s) discussed: 1 and 37.

Identification of prior art discussed: Kuroda and others cited.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: see attached.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

 Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The applicant argued that the invention is novel based upon an asserted specific definition to the term "malleable" as disclosed in the original specification as being "capable of being shaped or molded by the application of hand pressure to a shape which is retained until the shape is again altered by hand pressure" and during use, the band can be pressed by hand and molded to the wrist of the wearer. The applicant argued that this definition distinguishes the invention from the characteristics of the band taught in Kuroda described therein as "being bent so as to conform with an arm of a person and sustain its elastic property". The Examiner agreed to accept the asserted definition and agrees that this definition distinguishes the invention from the band as taught by Kuroda. The applicant will furnish a written reply to the Final Rejection and the examiner will re-consider the case and the finality of the last office action based upon the applicant's written argument.

The Examiner informed the applicant via telephone on March 6, 2007 that Claims 4 and 24 contradict the parent claim because the claims do not recite a member capable of being shaped or molded because a concave transverse geometry of the band would provide a shape memory characteristic that includes only two types of configurations (i.e. straight and coiled shape) and therefore is not moldable or formable.